



California Fair Political Practices Commission

September 29, 1988

Dan Colegrove
138 Buckeye Street
Woodland, CA 95695

Re: Your Request for Advice
Our File No. A-88-364

Dear Mr. Colegrove:

You have requested advice on behalf of Assemblyman Gary Condit concerning his duties under the Political Reform Act (the "Act").^{1/} This letter confirms our telephone conversation of September 13, 1988.

QUESTION

Assemblyman Condit recently received through the mail an envelope containing a note and a \$50 cash contribution. The sender was not identified on the note or envelope.

If Assemblyman Condit does not want to accept the anonymous cash contribution, how should he dispose of it?

CONCLUSION

If Assemblyman Condit does not want to accept the anonymous cash contribution, he may promptly pay it to the Secretary of State for deposit in the State General Fund.

ANALYSIS

Section 84304 prohibits anonymous contributions of \$100 or more. Assemblyman Condit has received an anonymous

^{1/} Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

Dan Colegrove
September 29, 1988
Page 2

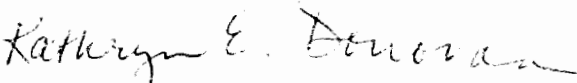
contribution of \$50.^{2/} Although the \$50 anonymous contribution is not prohibited, Assemblyman Condit prefers not to accept it.

Section 84304 requires the recipient of an anonymous contribution of \$100 or more to promptly pay the contribution to the Secretary of State for deposit in the State General Fund. Again, this requirement does not apply to the situation in question because the anonymous contribution was less than \$100. We suggest, however, that the procedure mandated by Section 85304 is an appropriate one for Assemblyman Condit to follow in order to dispose of the anonymous contribution.

If you have any further questions regarding this matter, please contact me at (916) 322-5901.

Sincerely,

Diane M. Griffiths
General Counsel


By: Kathryn E. Donovan
Counsel, Legal Division

DMG:KED:plh

^{2/} In our initial telephone conversation on September 12, 1988, I advised you that it appeared that Assemblyman Condit had received a \$50 gift. However, the note included with the \$50 payment indicates that the payment was made for political purpose. Therefore, on September 13, 1988, I retracted my previous advice and informed you Assemblyman Condit has received a \$50 contribution. (Section 82015; Regulation 18215 (copy enclosed).)

JUL 13 0 53 47 08

September 12, 1988
Sacramento, California

Cathy Donovan
Fair Political Practices Commission
P.O. Box 807
Sacramento, CA 95804

Dear Ms. Donovan

This is to confirm our conversation of this afternoon. As you will recall, I called to ask advice on how to handle a certain situation.

In Assemblyman Condit's mail this morning was a small envelope with no name or return address. Inside was a handwritten note (enclosed) that read, "At 88 yrs. old I'm too old to meddle much in the Government - but I like what you are doing. Hope this helps to put your fist in Willie's big mouth." Stapled to this note were 5 \$10 bills.

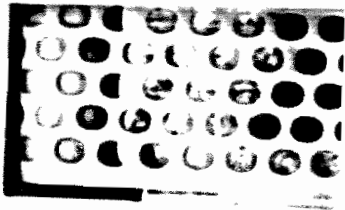
As we have no way of knowing who sent this, we are unable to return it. Assemblyman Condit decided to donate this to charity. I called the FPPC to ask the best way to do this and report it. When you returned my call at approximately 4:30 pm, you indicated that since there is nothing in the note to indicate that this is a campaign donation, it should be treated as one treats a gift. You told me that a gift can be donated to charity within 30 days upon receipt. You also advised me to have a notation included on Assemblyman Condit's next Statement of Economic Interest that on September 12, 1988, this money was received and to give the charity name and the date they were sent this donation. Finally, you told me that this would not need to be listed on Assemblyman Condit's Consolidated Campaign Statement to be filed with the Secretary of State.

Thank you for your advice on this situation. If you have any further questions or suggestions you may contact me at (916) 445-8570.

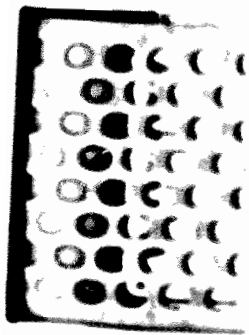
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Assemblyman Gary Condit
Sacramento, Ca

959 ?

SEP 21 8 25 AM '88

September 20, 1988
Sacramento, CA

Ms. Constance Bird, Treasurer
Citizens for Condit
1300 10th St.
Modesto, CA 95354

Dear Connie:

This letter is to recap something which occurred here in Gary's Sacramento office and to advise you on how to proceed according to the FPPC and the Secretary of State.


On September 12, 1988 a letter was received at the Capitol office containing a short note indicating the letter writers approval of Gary's activities. Stapled to the note were 5 \$10 bills. Because there was no name or return address, we were unable to return the money. That day, I called the FPPC for advice on how to donate this to charity. Cathy Donovan of the FPPC originally advised that we should treat this as a gift in which case we had 30 days to donate it to charity. She further advised that we should enter a notation on Gary's next Statement of Economic Interest listing the details.

The next day she called back, however, to say that after reading the note (which I had sent to her) she now advised that we should treat this like a campaign donation. She added that if we wanted to donate this money to another cause, the easiest and most effective way would be to give it to the state's general fund. On September 19, I went to the office of the State Treasurer and gave the money to their cash management department. They indicated a remittance slip would soon follow, which I will forward to you.

On the advice of Ms. Donovan and Harvey Tsuboi of the Secretary of State's Political Reform Division, we should do the following. On Gary's next Campaign Contributions form, insert an asterisk and a note on the bottom saying that on September 12, we received an unsolicited, anonymous donation of \$50. This money was turned over to the State's General Fund on September 19. This was never deposited in Gary's campaign fund.

If you have any questions on this, please call me at Gary's Capitol office

Thanks,



Dan Colegrove

cc
Cathy Donovan
Harvey Tsuboi

September 20, 1988
Sacramento, CA

SEP 21 8 25 AM '88

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